



# Town of Andover Massachusetts

## Getting Started: A Guide for doing Business in Andover

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*A consolidated roadmap to help you start your business in the **Town of Andover***

*Fall 2019*



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The purpose of this **Getting Started in Business Guide** is to provide you with a user-friendly roadmap to get you from today until you open your door for business. We have tried to streamline this process, show you which way to turn, and hopefully answer many of your questions before you have to ask. There will be certain Town officials with whom you must interact, and we will provide you with the appropriate steps to follow along with the necessary contact information.

***Disclaimer:*** The text provided in this guide is for information purposes only. It may not include all necessary regulatory requirements or steps involved to open a business. You must contact Federal, State and local departments to ensure regulatory compliance.

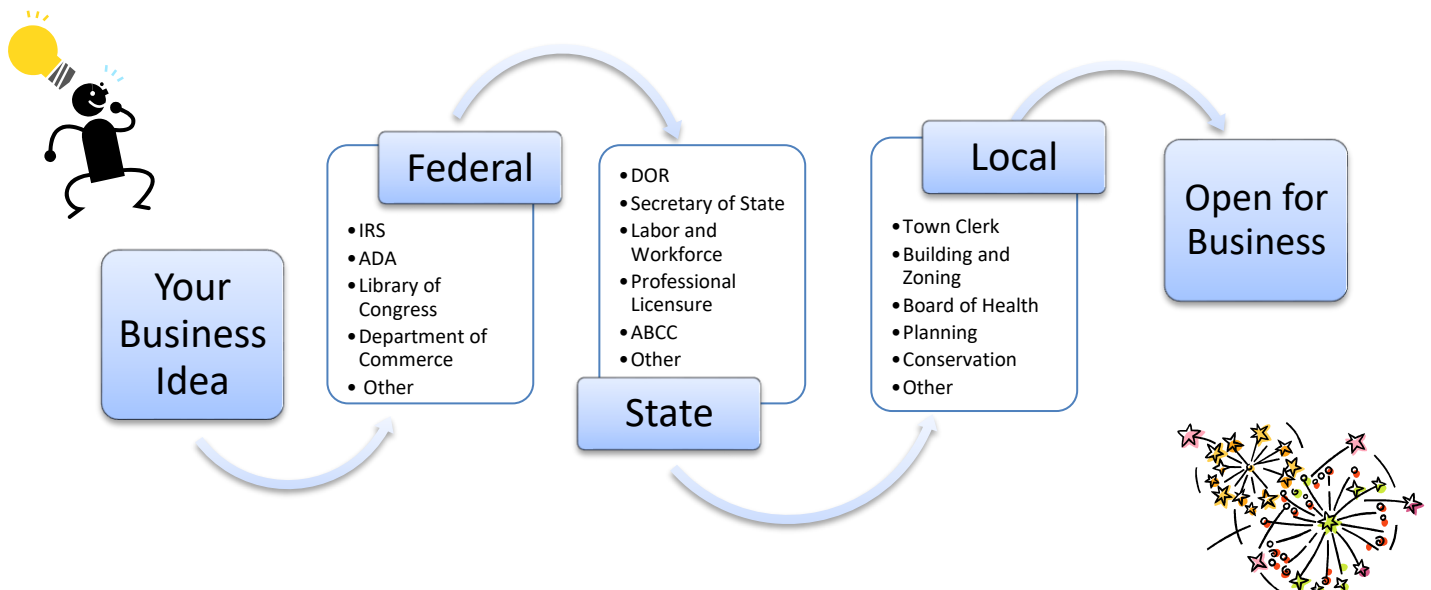
## **GETTING STARTED – PART 1 - General Information**

1. **Write a Business Plan.** A Business Plan:
  - involves researching the industry and market trends, potential customers, competition, pricing, marketing, and revenue projections and expenses for three years.
  - demonstrates a need to change the service based upon competition research, alter the pricing, add products or add an online component.
2. Have **Industry Experience.**
  - It is important to have worked in the business, know the business and know its customers and competition. If you don't know the industry, spend some time working in it or researching it first.
3. Know and understand your **Target Clientele.**
  - Your business should meet client needs with the goods and services offered.
  - Research and understand the market of your target clients.
  - Understand what customers *want*, how much they will *pay*, what *products* they prefer.
4. Create a **Financial Plan.**
  - It takes time to build a successful business. It takes time to create a customer base, generate customer-to-customer referrals, and create long-term loyalty.
  - Prepare a financial plan that will cover home and living expenses for up to a year.
5. Obtain **Capital.**
  - Determine how you will fund the business (investment team, commercial loan, self, etc.). Check personal credit and credit score prior to seeking capital.
6. Hire **Professionals.**
  - Gather a team of professional advisors such as an accountant, lawyer, web designer, etc.
  - You will need to spend the money to ensure your business is prepared for success!
7. Find **Customers.**
  - Attend networking events, find professionals who can refer business to you, spread the word, marketing, etc.
  - For every new customer your business gets, you may lose another through attrition. You must constantly seek new customers.
8. Join a **Professional Group.**
  - Look into joining the local Chamber of Commerce, a retailers association, a professional group to keep you informed, interactive and up-to-date on the latest information.
9. Expect the **Unexpected.**
  - It is emotional to own a business: joy, frustration, pride, freedom, etc.
  - Do not take it personally. Customers will cancel, staff will leave, there will be returns, etc.
  - It is not an ordinary 9 to 5 job, but potentially the best job in the world. Good luck!

## GETTING STARTED – PART 2 – In Andover:

The Town of Andover is committed to your success and we are here to assist you as you work through the licensing and permitting. We encourage you to ask as many questions as needed as you move forward.

- ☐ **Research:** Hours spent at the start will help you save time and money in the long run.
- ☐ **Federal Tax or Employee Identification Number (EIN):** For tax purposes, you need to define your business structure and obtain identification numbers from the Internal Revenue Service for your business and staff. For more information, see page 5.
- ☐ **Legal Structure:** Whether incorporating or forming a limited partnership, the MA Corporations Division requires an excise tax and filing fee. Sole proprietors do not require registration, but you should conduct a name check with the MA Secretary of the Commonwealth. For more information, see page 6.
- ☐ **State Taxes:** You must receive a Sales Tax Vendor Number from Massachusetts Department of Revenue (DOR). This should be done after you have applied for your federal tax or EIN. For more information, see page 6.
- ☐ **Business Certificate:** Most business owners will need a Business Certificate from the Andover Town Clerk. This certificate allows you to open a commercial bank account and helps prevent others from using your business name. For more information, see page 8.
- ☐ **Zoning:** Consult the Town of Andover Zoning Bylaw and the Building Division to make sure that your business/property meets the zoning requirements for the site. For more information, see page 23.
- ☐ **Restaurants:** If you want to open a restaurant, you will need to comply with state and local health regulations. For more information, see page 29.
- ☐ **Signage:** If your business needs a sign, you will need to apply for a Building Permit. Depending where your business is located, you may also need a review from the Design Review Board. This process may take up to 2 months, so inquire early. For more information, see page 25.



## Requirements of the Federal Government

### ☐ **Internal Revenue Service (IRS)** <http://www.irs.gov>

A business must have a Federal taxpayer identification number so that the IRS can process its tax returns. There are two kinds of taxpayer identification numbers: a Social Security Number (SSN) and an Employer Identification Number (EIN). All corporations and partnerships must obtain a federal EIN by completing the IRS Form SS-4. Regardless of the form of ownership, any new business that has employees, has a Keogh plan or files employment, excise information or alcohol, tobacco, or firearms returns must obtain an EIN. The application must be filed with the IRS *early* enough to receive the EIN by the time a return or statement is filed or a tax deposit is made. A business can apply by telephone or via the internet to get an EIN immediately. If applying by mail, file Form SS-4 at least 4 to 5 weeks before an EIN is received. For more information: Internal Revenue Services, JFK Federal Building, 25 New Sudbury Street, Boston, MA 02203  
Phone (617) 316-2850

### ☐ **U.S. Department of Commerce** <http://www.uspto.gov/>

Trademark and patent registration are done through the Department of Commerce. A trademark which can be a word, name, symbol, or logo, is used to identify a particular good or service and to differentiate it from those sold by other people. Trademarks can be registered at both the federal and state level. Patent registration allows exclusive right to make, sell, or use an invention which is new and useful. For more information: Department of Commerce, Patent and Trademark Office, GIS Division, Crystal Plaza 3, Room 2C02, PO Box 1450 Alexandria, VA 22313-1450

### ☐ **Americans with Disabilities Act (ADA)** [www.ada.gov](http://www.ada.gov)

The ADA is a Federal civil rights law that prohibits discrimination against people with disabilities in everyday activities, such as buying an item at the store, enjoying a meal at a local restaurant, or exercising at a health club. Businesses that serve the public must modify policies and practices that discriminate against people with disabilities, comply with accessible design standards when constructing or altering facilities, remove barriers in existing facilities where readily achievable, and provide auxiliary aides and services when needed to ensure effective communication.

☐ **Library of Congress** <http://www.copyright.gov/>  
Copyrights lend protection for one's creative work. Literary works, computer programs, and sound recordings are examples of work that can be protected by copyright from unauthorized copying, distribution, performance and display. Federal law does not require the formalities of notice or registration to establish copyrights; however, it is still advisable to apply a copyright notice and to register a copy right for each piece of work. For more information: Copyright Office – Register, Library of Congress  
101 Independence Avenue, S.E. Washington, DC 20559  
Phone: (202) 707-3000

**TIP: It is imperative to research your business idea and the industry thoroughly in order to confirm if additional Federal Agencies are required to be consulted.**

## Requirements of the Commonwealth of Massachusetts

### ☐ Massachusetts Department of Revenue (DOR)

<http://www.mass.gov/dor>

Register to collect “trustee taxes” by filing a Massachusetts Trustee Tax Application or Original Registration (Form TA-1) with the Massachusetts Department of Revenue. Trustee taxes include payroll tax, sales tax, room occupancy excise tax, and withholdings for pension plans, annuities, and retirement distribution. Those collecting a sales or use tax will receive a Sales and Use Tax Registration Certificate to be displayed at a conspicuous location on the business premises.

### ☐ Secretary of the Commonwealth (SEC) Corporations

Division <http://www.sec.state.ma.us/cor>

Different forms of business ownership require different types of state authorization. A corporation is required to file Articles of Organization with the Secretary of the Commonwealth’s Corporation Division. The SEC also issues Certificates of Limited Partnership and Limited Liability Company.

### ☐ MA Executive Office of Labor and Workforce Development (EOLWD)

<https://www.mass.gov/orgs/executive-office-of-labor-and-workforce-development>

File an Employer’s Status Report with the Massachusetts EOLWD if one or more persons are employed for 13 weeks or more in one calendar year or in the employee payroll totals \$1,500 or more within one calendar quarter. This information is used by EOLWD to administer the State’s unemployment insurance program.

### ☐ Massachusetts Alcoholic Beverages Control Commission (ABCC) [www.mass.gov/abcc/](http://www.mass.gov/abcc/)

The ABCC is the sole agency in Massachusetts responsible for directly licensing or permitting specific participants in the alcoholic beverages industry in Massachusetts. All manufacturers of alcoholic beverages, all wholesalers and importers, all out-of-state suppliers of alcoholic beverages, all brokers, all salesmen, all warehouses, all planes, trains, ships and most every motor vehicle transporting alcoholic beverages in Massachusetts require direct licensing from the ABCC. Phone: (617) 727-3040

### ☐ Massachusetts Office of Business Development (MOBD) <https://www.mass.gov/orgs/massachusetts-office-of-business-development>

The MOBD is helpful for its local guidance to business development, resources and financial options as well as statewide and local data that may be useful to a new or expanding business.

### ☐ Massachusetts Department of Industrial Accidents

<http://www.mass.gov/lwd/workers-compensation/dia/>

In accordance with the State’s Worker’s Compensation Law, if a business has one or more part-time or full-time employees, obtain Worker’s Compensation Insurance from any casualty insurance company.

### ☐ Massachusetts Architectural Access Board (AAB)

<http://www.mass.gov/aab>

This state agency developed regulations designed to make buildings accessible to, functional and safe for use by persons with disabilities. The regulations are included into the building code making them enforceable by all local and state building inspectors.

### ☐ Massachusetts Division of Professional Licensure (DPL) <https://www.mass.gov/orgs/division-of-professional-licensure>

DPL serves as the Commonwealth’s source for regulatory jurisdiction over 40 different trades and professions. It is responsible for licensing and regulating the activities of over 330,000 individuals, corporations and partnership to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and regulations of the boards of registration.

### **Additional Small Business Resources:**

Business and Economy

[www.mass.gov/portal/business/](http://www.mass.gov/portal/business/)

Department of Economic Development

<https://www.mass.gov/orgs/executive-office-of-housing-and-economic-development>

Merrimack Valley Chamber of Commerce

[www.merrimackvalleychamber.com](http://www.merrimackvalleychamber.com)

The Donahue Institute, University of Massachusetts

[www.donahue.umassp.edu](http://www.donahue.umassp.edu)

Retailers Association of Massachusetts (RAM)

[www.retailersma.org](http://www.retailersma.org)

Alliance for Economic Development (MAED)

[www.massecon.com](http://www.massecon.com)

Supplier Diversity Office (SDO)

<https://www.mass.gov/supplier-diversity-office>

Center for Women and Enterprise

<https://www.cweonline.org/>

Andover Business Center Association (ABCA)

[www.andoverbusinesses.org](http://www.andoverbusinesses.org)

## Requirements of the Town of Andover

To help you as you go through the process, ask yourself the questions outlined on the following pages to help determine which Town department you will need contact.



Many tasks that are required when opening a business *overlap*. During your research, you should consider all of the outstanding issues, requirements and steps. Create a schedule or timeline to help you keep your business plan on track. *Generic Example:*

Task	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Idea Development													
Business Plan													
Financing													
Site Selection													
Lease Negotiations													
Permitting													
Construction													
Licenses													
Sign-offs, Approvals													
Open												★	

**NOTE:** Depending on the business (retail, service, restaurant, etc.) and location, the timeline can vary greatly.



Many different types of licenses and permits are issued through the **Town Clerk's Office**, either by the Town Clerk under statutory authority or as Licensing Agent for the Select Board. The following are types of licenses or permits commonly requested for new and existing businesses in Andover. The information provided is not intended as an exhaustive list of requirements. For further information please contact the **Town Clerk's Office Monday through Friday 8:30 a.m. to 4:30 p.m.** and see the Select Board's Licensing Policies which can be found on line [www.andoverma.gov](http://www.andoverma.gov)

<b>Town Clerk</b>	Yes	No	Not Sure
Does the title of your business differ from your name or from a corporate name?			
Does your business involve the sale of alcoholic beverages (including on-premises or off-premises consumption)?			
Is your business a restaurant or involve the cooking, serving or preparation of food (common victualler)?			
Is your business a hotel, inn, lodging house, or bed and breakfast?			
Will your business have entertainment (such as playing music on a radio or having live music performed on site)?			
Is your business providing services as a street vendor, hawker, peddler or sidewalk stand?			
Will your business have an outdoor café or any outdoor seating?			
Does your business involve providing services as an auto-dealer?			
Does your business involve the storage of inflammables?			
Does your business involve a vehicles(s) for hire (a taxi or limousine service)?			
<b>If you answered "YES" to any of the above questions, you need to obtain a License or Certificate through the Town Clerk's Office. If you answered "NOT SURE", you should consult with the Town Clerk's Office.</b>			

### ★ **BUSINESS CERTIFICATE:**

- Issued by the Town Clerk under authority of MGL Chapter 110 Section 5
- Sometimes referred to as a "D/B/A" certificate
- Any person, partnership, LLC, corporation or other legal entity which is doing business in Andover must apply for a Business Certificate
- The applicant must provide an approved and signed **Zoning Verification for Business Certification Form** from the Building Inspector to the effect that the business location is zoned appropriately
- **Fees:** \$30.00 for the Business Certificate paid at the Town Clerk's Office. Checks should be made payable to the "Town of Andover"
- The Business Certificate is good for four years and then may be renewed for periods of four years
- The application is a simple one page form which must be signed before a Notary Public by all of the principals of the business. Notaries are available in the Town Clerk's office. Applications can usually be processed and issued at the counter without delay.
  - Note: the application requires the disclosure of the tax identification number of the business. Sole proprietors may use their social security numbers, but this is not recommended because the application is a public document. We recommend you obtain a Federal tax identification number for the business *before* applying for a Business Certificate.



## Town Clerk – Licenses and Permits (continued)

Andover Town Clerk, Second Floor, 36 Bartlet Street, Andover, MA (978) 623-8230

### **ALCOHOL LICENSES:**

*There are different types of liquor licenses: on-premise consumption of alcoholic beverages or “pouring” licenses, and licenses for the sale of alcoholic beverages not to be consumed on the premises. There are **four types of these licenses available in Andover**, each with different quotas available: **A.** all alcohol pouring licenses, **B.** wine and malt only pouring licenses, **C.** all alcohol package store licenses, and **D.** wine and malt only package store licenses. Others include a Farmer-winery License and a One Day Special License. Interested parties should contact the Town Clerk for information on the type and number of available licenses.*

#### **A. and B. All Alcohol and Wine & Malt only “Pouring” Licenses:**

- Issued by the Selectmen after a public hearing under authority of MGL Chapter 138 Section 12
- Require newspaper notice and notice to abutters prior to hearing
- Require approval by ABCC following local approval
- Application process is comprehensive and takes three to six months for completion
  - For new construction a building permit is required before the Selectmen will approve
  - The most common reason for rejection of application is that application is not complete
  - Recommend applicant make appointment with Town Clerk’s Office before submission

#### **C. and D. All Alcohol and Wine & Malt only “Package Store” Licenses:**

- Issued by the Selectmen after a public hearing under authority of MGL Chapter 138 Section 15
- Require newspaper notice and notice to abutters prior to hearing
- Require approval by ABCC following local approval
- Application process is comprehensive and takes three to six months for completion
  - For new construction a building permit is required before the Selectmen will approve
  - The most common reason for rejection of application is that application is not complete
  - Recommend applicant make appointment with Town Clerk’s Office before submission

#### **Farmer-winery License:**

- Special license for agricultural events issued under the authority of MGL Chapter 138 section 15F
- Requires hearing before the Select Board
- Does not require newspaper notice or notice to abutters
- Only available to operators of Farmer-Wineries licensed under Section 19B or similar statute
- Requires pre-approval from the department of agricultural resources
- Permits sale of wine at agricultural events such as farmer’s markets
- May be granted for an agricultural event which takes place on multiple dates/times during a single year

#### **One Day Special Licenses:**

- All Alcohol One Day Special Licenses may only be granted to non-profits
- Wine and Malt One Day Special Licenses may be granted to any qualified applicant
  - Often used in conjunction with business promotions, customer appreciation or similar events
- The only alcohol licenses which may be issued by the Town Clerk without hearing before the Select Board – no formal hearing is required
- Alcohol must be purchased from a licensed wholesaler

The Select Board’s **Alcoholic Beverage License Policy** is included in **the Selectmen’s Policy Guidelines** available on line at [www.andoverma.gov](http://www.andoverma.gov) Application packages for the various types of licenses may be obtained from the Town Clerk’s Office.

## Town Clerk – Licenses and Permits (continued)

Andover Town Clerk, Second Floor, 36 Bartlet Street, Andover, MA (978) 623-8230

### **MISCELLANEOUS OTHER BUSIENSS RELATED LICENSES:**

*The following is a short list of other common licenses required by businesses. The Town Clerk's office has a full list of all licenses that are needed to run and operate a business in Andover.*

#### **AMUSEMENT AND LIVE ENTERTAINMENT LICENSES:**

- Issued by the Select Board under authority of MGL Chapter 140 Section 183A
- Applies to entertainment provided by Inn-holders, Common Victuallers and other businesses licensed under Chapters 138 and 140 of the General Laws
- Regulates dancing by patrons, dancing by entertainers, performers, recorded or live music, the use of an amplification system, theatrical exhibitions, plays or moving picture shows, floor shows of any kind, light shows of any description, or any dynamic audio or visual show, whether live or recorded
- Annual License fee depends on the type of amusement/entertainment, runs \$85 to \$600

#### **COMMON VICTUALLER LICENSES:**

- Issued by the Select Board under authority of MGL Chapter 140 Section 2
- Required for food service establishments with sit down dining
- Board of Health approval is required before issuance
- Application/renewal fee \$75

#### **LODGING HOUSES:**

- Issued by the Select Board under authority of MGL Chapter 140 Section 233
- Application/renewal fee \$50

#### **PAWNBROKER/SECOND HAND DEALER LICENSES:**

- Issued by the Select Board under authority of MGL Chapter 140 Section 70 and Andover Code of Bylaws Article XII Section 40
- Hearing before the Board is required
- Requires approval from Chief of Police
- CORI check of applicant
- Annual license period expiring on May 1<sup>st</sup>
- Application/renewal fee \$50

#### **OUTDOOR DINING LICENSES on Public Property:**

*(Note: licenses issued by the Select Board are for outdoor dining on public property. Note: Outdoor dining on private property requires a special permit from the Zoning Board of Appeals, see page 26 for information.*

- Issued by Select Board under authority of Article XI Section 9 of the Town Bylaws
- April 1 to October 31
- Fee: \$125 subject to annual application
- Hearing before the Select Board is required
- Subject to review by the Board of Health, Public Safety Officer, Building Inspector, Fire Prevention, and Design Review depending on location
- Plan, minimum insurance requirements and licensing agreement apply
- If alcohol is to be served the liquor license for the main premises will have to be amended to include the outdoor service area (Requires notice, public hearing, Select Board and ABCC approval)

#### **STORAGE OF INFLAMMABLES:**

- Issued by the Select Board under authority of MGL Chapter 148 Section 13
- Public Hearing required with newspaper notice and notice to abutters
- New application fee is \$100; annual renewal fees depend on quantities of inflammables stored on premises
- Note: under MGL Chapter 148 Section 14 gasoline in a motor vehicle which is parked in a building or structure is stored for purposes of licensing under section 13. Therefore garages must be licensed, except for private garages where three or fewer vehicles are kept

## Town Clerk's Office – Licenses and Permits (continued)

Andover Town Clerk, Second Floor, 36 Bartlet Street, Andover, MA (978) 623-8230

### **OTHER MUNICIPAL LICENSES AND PERMITS:**

*(Note: Licensing/permitting in Andover may be limited or restricted in some cases)*

○ Auctions	MGL Chapter 100 Section 1, et seq.
○ Automatic Amusement Devices	MGL Chapter 140 Section 177A
○ Automobile Grave Yards	MGL Chapter 140 Section 54A
○ Billiards, Pool, Sippio Table, Bowling Alley	MGL Chapter 140 Section 177
○ Boarding and Lodging Houses	MGL Chapter 140 Section 23
○ Clubs, Associations Dispensing Food or Beverages to Members	MGL Chapter 140 Section 21E
○ Coffee and Tea Houses	MGL Chapter 140 Section 47
○ Common Day of Rest, Holidays	
○ Entertainment & Certain Work	MGL Chapter 136 Section 4, 7 & 15
○ Dancing Schools	MGL Chapter 140 Section 185H
○ Dog Kennels	MGL Chapter 140 Section 137A
○ Fortune Tellers	MGL Chapter 140 Section 185I
○ Hawkers, (Transient Vendors)	MGL Chapter 101 Section 5, 7
○ Parking Lots	MGL Chapter 148 Section 56
○ Sales of Articles for Charitable Purpose	MGL Chapter 101 Section 33
○ Soft Drinks	MGL Chapter 140 Section 21A, 21B
○ Theatrical Events, Public Exhibition	MGL Chapter 140 Section 181

### **Common Questions regarding Liquor Licenses:**

**Can a liquor license be transferred?** Yes, however the former owner of the premises is still liable for the operation of the premises until a new liquor license is issued.

**When is a liquor license denied?** The most common reasons a liquor license application is denied:

- Taxes are owed. Any tax delinquency must be resolved with DOR before ABCC approval.
- The manager is not a citizen.
- The directors are not citizens.
- The Quota is full. There are no licenses remaining at the time to give.
- Incomplete forms, incomplete supplemental information or non-payment of fee.

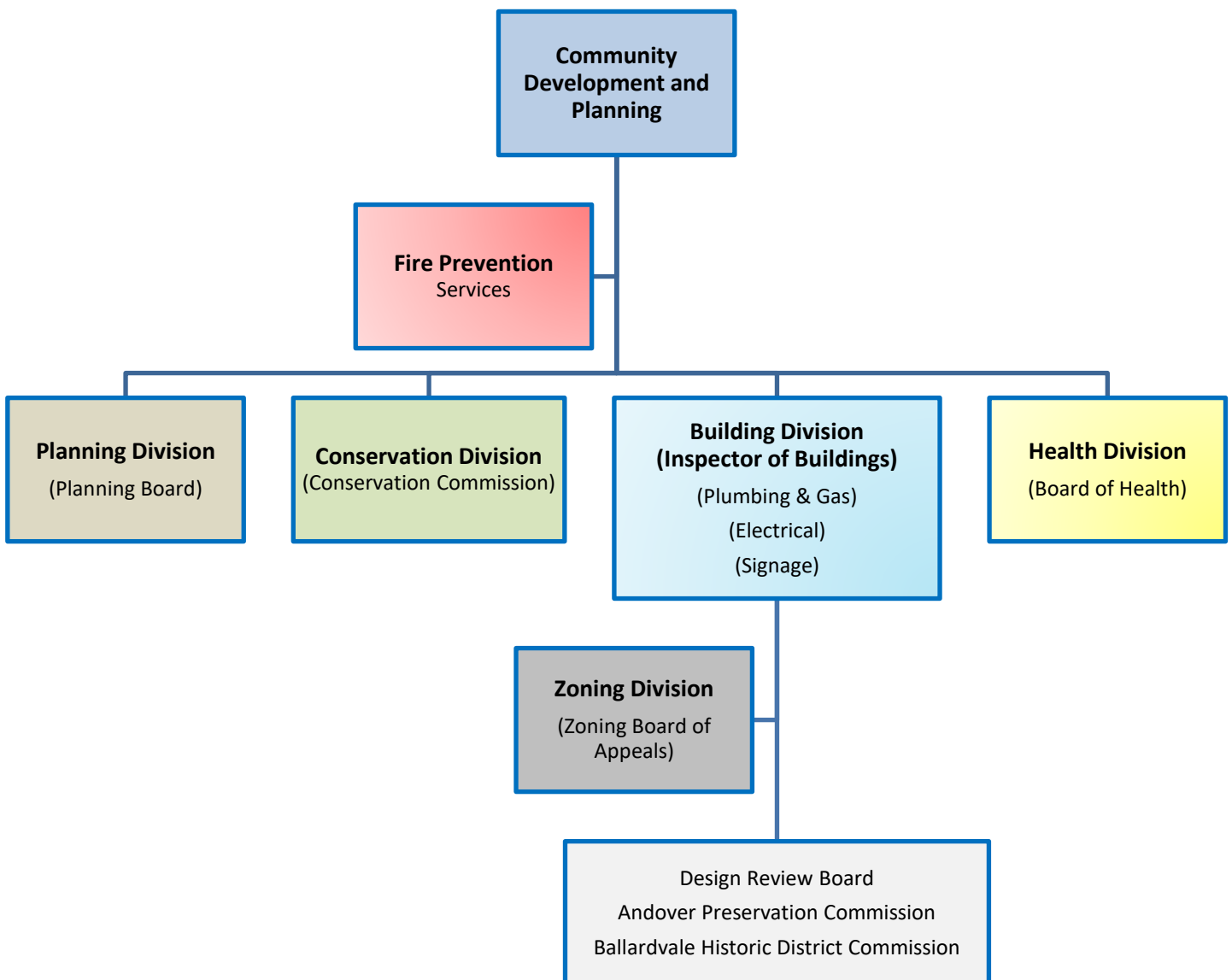
**Can I get a special liquor license for an event in my store?** Yes, you can obtain a one-day liquor license for an event, such as a wine-tasting, in your store. A Special Alcoholic Beverage License is required for any activity at which alcoholic beverages are served.

**Do I really need an Entertainment License to play a radio in my restaurant?** Yes, the Town Clerk may provide you with more details. The Select Board may issue a License.

The **Department of Community Development and Planning (CD&P)** is responsible for a wide range of activities and responsibilities (permitting, safety regulation, public health, land use planning, affordable housing, transportation, historic preservation, wetland protection and open space conservation). This is the Department that many new businesses will interact with during business startup and/or construction.

**The Community Development and Planning Office is open to the public:**

**Monday through Friday between 7:30 a.m. and 3:30 p.m.**



## Community Development and Planning (Continued)

Ground Floor, 36 Bartlet Street, Andover, MA (978) 623-8600

Many different types of licenses and permits are issued through Community Development and Planning. The following are types of licenses or permits commonly requested for new and existing businesses in Andover. The information provided is not intended as an exhaustive list of requirements.

Planning Division	Yes	No	Not Sure
Will your project include a new building?			
Will your project include a renovation of an existing building?			
Will your project include moving into a space and is different from the previous use?			
Is your project located in the Mixed Use or General Business District?			
If you answered "yes" or "not sure" to any of these, you may need to have the plans for your project approved by the Planning Board. See Page 18 for more information. Planning Division (978) 623-8650 Note: There are certain uses that require a special permit from the Planning Board.			

Conservation Division	Yes	No	Not Sure
Will your project require any construction or alteration of land within 100 feet of a wetland?			
Will your project take place in a waterway or resource area?			
Will your project take place within 200 feet of a river?			
If you answered "yes" or "not sure" to any of these, you many need to submit a Request for Determination of Applicability. Please see Page 19 for more information. Conservation Division (978) 623-8630			

Building Division	Yes	No	Not Sure
Will your project involve construction, alteration, repair, or demolition?			
Will your project include the installation of a fence(s) that is higher than 6 feet?			
Will your project include a sign (flat, projecting, freestanding, A-frame)?			
Will your project include staging or a tent?			
Is your project located in the Ballardvale Historic District?			
Will your project include the renovation of building on the Town's Register of Historic Buildings?			
Will your project include the construction of a retaining wall(s)?			
Will your project change the use of any space within a building?			
Will you be working on any electrical, plumbing or gas systems?			
Will your project include "ordinary repairs" which includes the following: Cutting away of any part of a wall, partition or portion thereof? Removal or cutting of any structural beam, column or other support? Removal or change of any required means of egress? Rearrangements of parts of a structure affecting the egress requirements? Addition, alteration, replacement, relocation of any standpipe, water supply, mechanical system, fire protection, or other work affecting the public health or safety?			
If you answered "yes" to any of these questions, you NEED to obtain a building permit from the Building Department. If you answered "not sure" to any of these questions, you should consult with the Building Department in order to determine whether you will need to obtain a building permit for your project. DO NOT use your own judgment in determining whether you will need a building permit. Staff in the Building Division can easily determine whether you need a permit. Please see Page 20 for more information. Building Division (978) 623-8620.			

The **Andover Zoning Bylaw** provides the regulations and allowed uses within each zoning districts, as well as criteria for those districts. Certain land uses are not permissible in some areas and other uses may require a “special permit” by either the Zoning Board of Appeals or Planning Board. If you do not meet all of the requirements of the Andover Zoning Bylaw, you may be able to obtain a “variance” from the Zoning Board of Appeals.

<b>Zoning Board of Appeals</b>	<b>Yes</b>	<b>No</b>	<b>Not Sure</b>
Is your business allowed in your proposed location by the Andover Zoning Bylaw?			
Does your proposed business meet all the requirements of the Andover Zoning Bylaw?			
If you answered “no” or “not sure” to either of these questions, you should consult with the Building Division at (978) 623-8301. All businesses must fill out a <a href="#">Zoning Verification for Business Certification Form</a> available from the Building or Zoning Division.			
Does your business involve a philanthropic or charitable institution?			
Is your business a convenience store?			
Is your business a self-service or dry-cleaning operation?			
Is your business a restaurant that is considered “fast-food”?			
Does your business involve motor vehicles sales, repairs, washing or storage?			
Will your business have seasonal placement of tables and chairs or outdoor dining on private property?			
Is your business a wireless communication or amateur radio facility?			
Does your business require operating out of a residence?			
If you answered “yes” to any of these questions, you will need to obtain a special permit from the Zoning Board of Appeals. If you answered “not sure” to any of these questions, you should consult with the Building Division in order to determine whether you will need to apply for a special permit. Please see page 23 for more information. Zoning Division: 978-623-8620.			

<b>Design Review Board</b>	<b>Yes</b>	<b>No</b>	<b>Not Sure</b>
Will your project include the construction of a new building in the General Business or Mixed Use District?			
Will your project include an exterior renovation of a building in the General Business or Mixed Use District?			
Will your business have a sign or awning in the General Business or Mixed Use District?			
Will your business have outdoor seating in the General Business or Mixed Use District?			
If you answered “yes” to any of these questions, then you may need to attend a Design Review Board meeting for a review. If you answered “Not Sure”, then you should speak with the Building Division to determine if a review is necessary. Please see Page 25 for more information. Building Division (978) 623-8620.			

<b>Preservation Commission or Ballardvale Historic District</b>	<b>Yes</b>	<b>No</b>	<b>Not Sure</b>
Is your business located in the Ballardvale Historic District?			
Will your project include construction of any kind in a National Historic District?			
Does your business require the exterior renovation of a building in a town documented historic building?			
If you answered “yes” to any of these questions, then you may need to go through a Preservation review and approval process. If you answered “Not Sure”, then you should speak with the Building Division to determine if a review is necessary. Please see Page 25 for more information. Building Division (978) 623-8620.			

Weights & Measures	Yes	No	Not Sure
Does your business involve the selling of gasoline or oil?			
Will you be selling any product by weight or volume?			
Is your business using any type of meter to offer a service (taxi, livery, fabric)?			
Will you offer food that will be sold by weight (salad bar, self-serve foods)?			
Will you be charging for your services based on weight or volume (laundry, solid waste, metals, pharmaceuticals, truck scales)?			
Will you be selling cord wood?			
If you answered "yes" to any of these questions, then you will need to have a device tested and sealed by a Sealer of Weights & Measures. If you answered "Not Sure", then you should have a conversation with a Weights & Measures Official. The Town of Andover uses the State Division of Standards: 617-721-9856			

Fire Prevention	Yes	No	Not Sure
Will your project include flammables or combustible liquids, gasses or solid storage?			
Will your project include rubbish containers (over 6 cubic yards – dumpsters)?			
Will your project include new construction or resale of residential property?			
Will your project include an oil burner or LP Gas installation?			
Will your project include cutting or welding?			
Will your project include commercial fire alarm or sprinkler system installations or alterations?			
Will your project include licensing of a camp, clinic or a liquor license?			
Will your project include any paint, oil or other contaminant storage?			
If you answered "yes" to any of these questions, you will need to obtain a permit from the Fire Prevention office. If you answered "not sure" to any of these questions, you should consult with the Fire Prevention Officer in order to determine whether you will need to obtain a permit for your project. DO NOT use your own judgment in determining whether you will need a permit. The Fire Prevention Officer can easily determine whether you need a permit. Please see Page 28 for more information. Fire Prevention: (978) 623-8660.			

Board of Health	Yes	No	Not Sure
Is your business a food establishment, or involve the sale of food?			
Does your business involve frozen desserts such as yogurt or ice cream?			
Does your business include tanning devices?			
Does your business involve body art (tattoos or piercing)?			
Does your business provide funeral or burial services?			
Does your business involve a public or semi-public swimming pool or spray park?			
Does your business involve transporting, sorting, or treating garbage, trash, wastewater, or other hazardous or special waste?			
Does your business involve a recreational camp for children (if you use the word "Camp" in the title, it does)?			
Does your business involve stabling horses for others?			
Does your business involve the operation of a motel, hotel, or bed and breakfast?			
Will you be selling tobacco products?			
If you answered "yes" to any of these questions, then you will need certain permits from the Board of Health. If you answered "Not Sure", then you should speak with a Health Inspector to determine if permits might be required. Please see Page 29 for more information. Health Division: 978-623-8640.			



**Now that you have completed the Questionnaire, Check the Departments you need to contact:**

Division	Yes or No?	<p>If two or more are checked, you may request an informal inter-departmental review (“informal IDR”). An informal IDR is an efficient way to have multiple divisions and boards present at a meeting to discuss your project/business. This is an opportunity to ask questions, get answers and prepare for an accurate permitting timeline.</p> <p><b>TIP:</b> For a Food Service Business, the best way to request an Informal IDR is to reach out to the Health Division.</p>
Planning Division		
Conservation Division		
Building Division		
Zoning Division		
Design Review Board		
Preservation Commission or Ballardvale Historic District		
Weights and Measures		
Fire Prevention		
Health Division		

### **Community Development and Planning Contact information and Hours of Operation**

**Open to the public: Monday – Friday 7:30 a.m. – 3:30 p.m.**

**Planning Division**, Paul Materazzo, Director (978) 623-8650

**Conservation Division**, Robert Douglas, Director (978) 623-8630

**Building Division**, Christopher Clemente, Inspector of Buildings (978) 623-8620

**Zoning Division**, Barbara Burke, Secretary (978) 623-8320

**Fire Prevention**, Lt. Ryan Beal, Fire Prevention Officer (978) 623-8660

**Health Division**, Thomas Carbone, Director (978) 623-8640

***The next section outlines each Division and includes overview information as well as common Questions and Answers.***

## Community Development and Planning Requirements by Division

Documents you may need to consult when working with the Community Development and Planning Department:

**Andover Zoning Bylaw:**

Controls the use of land in a community and is a legal document. Every Massachusetts community has a Zoning Bylaw (sometimes called a Zoning Ordinance).

Examples include:

Uses allowed in certain areas of the town or city

Where buildings can be located

Dimensions such as lot size and building heights

Parking requirements

<https://www.ecode360.com/AN1471>

**Andover Health Department Plan Review Package:**

Outlines the Town of Andover Food Service review procedures and requirements.

<https://andoverma.gov/170/Board-of-Health>

**Building Division Applications and Forms:**

<https://andoverma.gov/150/Building>

**Disclaimer:** The text provided in this guide is for information purposes only. It may not include all necessary regulatory requirements or steps involved to open a business. You must contact Federal, State and local departments to ensure regulatory compliance.

The Andover **Planning Board**, comprised of five members and an associate member, is responsible for long range community and master planning, implementation of the Subdivision Control Act in conformance with the Town of Andover's Subdivision Rules and Regulations, and the issuance of special permits for Major Non-Residential Projects, Cluster Developments, Planned Unit Developments, Reduction in Parking in the General Business District and Site Plan Review to name the most common.

***What is a "Special Permit"?***

Certain uses are only allowed in certain zoning districts of Andover if a Special Permit is granted. In some instances, the Zoning Board of Appeals may grant a special permit.

***What is a "Site Plan Review"?***

Uses that are allowed by right in a zoning district may still need a review for safety, circulation and infrastructure purposes.

***How do I know if my project requires Site Plan Review or a Special Permit?***

Site Plan Review is required for all non-residential new construction under 10,000 square feet and a Special Permit is required for all non-residential new construction over 10,000 square feet *or* projects that require more than 40% of the building to be renovated. All of the information with regards to Site Plan Review AND Special Permits is outlined in the *Andover Zoning Bylaw*. For such projects, no Building Permit can be issued until the Planning Board grants approval of the project. Applicants are encouraged to schedule a meeting with the Planning Staff prior to submitting and application.

***What does the Planning Board review during a Site Plan Review or a Special Permit process?***

Some review items:

- Parking and loading
- Traffic and pedestrian circulation
- Access to and from the site
- External lighting
- Impacts on the natural environments
- Landscaping and vegetative screening
- Waste disposal and utilities
- Neighborhood character and social structures
- Social, economic, or community needs which are served by the proposal
- Drainage and water systems



***How do I submit a project for Site Plan review or Special Permit review?***

- 1) Consult with Planning Staff. The Planning Staff can talk with you about the requirements and provide you with the necessary application. It can also be found on the Town's website at [www.andoverma.gov/planning](http://www.andoverma.gov/planning)
- 2) Application. You will need to submit a complete application along with an application fee. A public meeting or hearing will be scheduled within 65 days from the date you submit your application. You will be responsible for the cost of advertising in the local paper for a public hearing.
- 3) Public meeting or hearing. The Planning Board meets two times per month and you will be given a date and time to attend a Planning Board meeting. You should be prepared to present your project and answer questions about your project.
- 4) The Planning Board will either continue your project to allow for more information, approve your project subject to certain conditions or deny your project if the requirements or other criteria are not adequately met.

Note: For additional information on Site Plan Review, Special Permits or permits required by the Planning Board, visit the **Planning Division** Monday through Friday, 7:30 a.m. to 3:30 p.m.

The **Conservation Commission**, authorized by town meeting vote in 1960, administers the Massachusetts Wetlands Protection Act. The Commission is assisted by full-time conservation agents (that comprise the Conservation Division within CD&P), and consists of seven members appointed by the Town Manager and serving staggered three-year terms. In addition to reviewing development plans affecting wetland areas, the Commission works to acquire, maintain, and manage Andover's Conservation Land and water resources.

***What are wetlands, floodplains and riverfronts?***

**Wetlands** include the familiar ponds, lakes, rivers and streams. They also include areas where the land surface and groundwater meet for a sufficient period of time to create the saturated soil conditions that support wetlands vegetation. These areas include marshes, wet meadows, swamps, bogs, and vernal pools.

**Floodplains** are areas bordering bodies of water, water courses that flood following storms, and isolated areas that hold surface water or experience high groundwater levels.

**Riverfront areas** border rivers and perennial streams and extend, in regulatory terms, 200 feet from the mean annual high water elevation

***What activities are subject to the Wetlands Protection Act?***

Under the Act, no one may remove, fill, dredge or alter any wetland, floodplain, bank, pond, lake, stream, river or land within 200 feet of a river or perennial stream without a permit from the Natural Resources Commission. This requirement also applies to activities within the buffer zone of wetland, which is defined as the area within 100 feet of rivers, streams, lakes, ponds and bordering vegetated wetlands. Land subject to flooding, riverfront areas, and isolated wetlands do not have legal buffer zones under the Act.

***How are boundaries of wetlands and floodplains identified?***

The Wetlands Protection Act and the regulation issued by the Massachusetts Department of Environmental Protection establish the science-based legal definitions used to identify and delineate wetlands and floodplains. Rivers, streams, lakes and ponds are easy to identify and are generally found on town maps. Bordering land subject to flooding is identified according to the boundaries of the 100 year floodplain as identified by the Federal Emergency Management Agency.

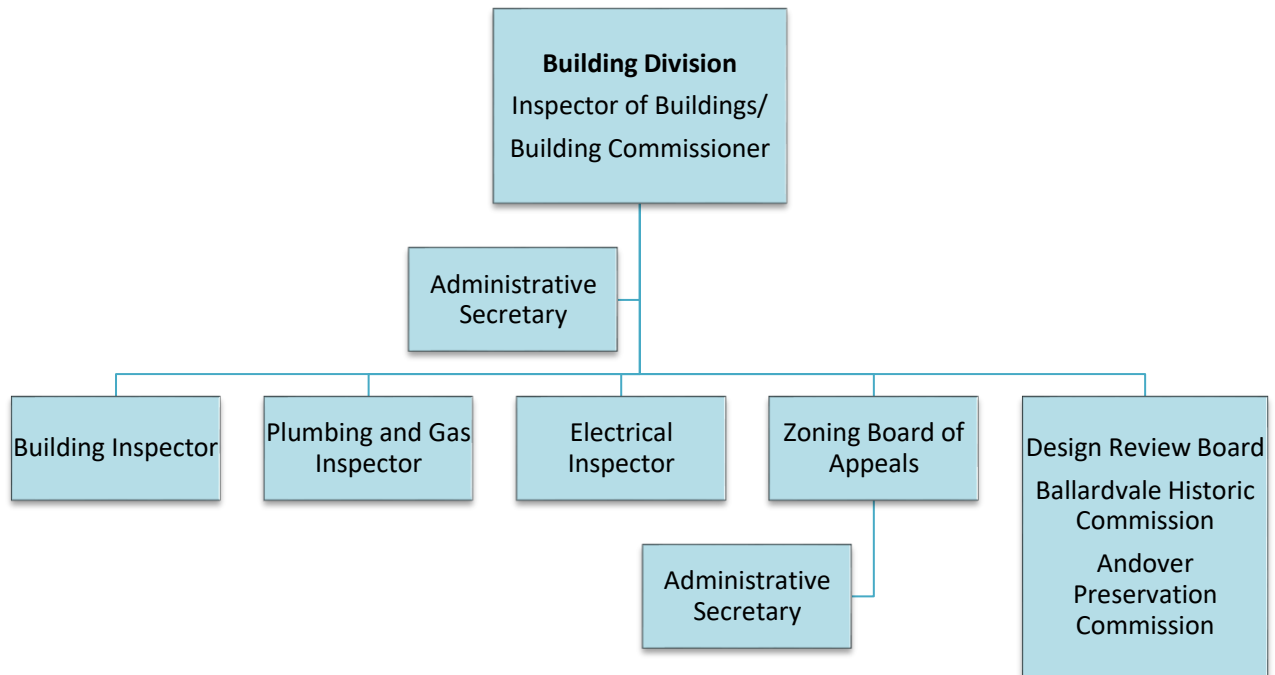
The Conservation Division has maps that show the approximate location of wetland boundaries throughout the town. However, such maps can only be used as guidance. On the ground field delineations are required of permit applications. The assistance of a wetlands consultant is often required to identify and delineate wetlands and flood plains.

***How can I get more information?***

Contact the **Conservation Division**, if you would like to find out whether a protected resource area is located on a specific property and/or whether an activity is subject to regulation. The text of the Wetlands Protection Act (G.L. C. 131, s.40) and the regulations (310 CMR 10.00) can be viewed at the Conservation Division office or on the Department of Environmental Protection Web site at <https://www.mass.gov/orgs/massachusetts-department-of-environmental-protection>

Note: For additional information on Notice of Intent, Determination of Applicability or permits required by the Conservation Commission, visit the **Conservation Division** Monday through Friday, 7:30 a.m. to 3:30 p.m.

The **Building Division** is responsible for building and zoning issues, conducting inspections and enforcement actions on construction projects, and maintaining public properties within its charge. These regulations and inspections insure that building construction and improvements are done in accordance with the building code and protect public safety.



The **Building Division** is responsible for:

- Signing the **Zoning Verification for Business Certification Form** for a new business
- Collecting all Building, Plumbing, Gas and Electrical Permit Applications
- Collecting the Design Review Board, Ballardvale Historic District Commission and Preservation Commission Applications
- Reviewing all plans and application packages, grants or denies permit requests
- Conducting all required inspections pertaining to building permits
- Sign permits
- Enforcing compliance with Building Codes
- Granting Certificates of Inspection and/or Certificates of Occupancy
- Zoning Enforcement

**Zoning Enforcement** is an important function to the **Building Division**. This ensures compliance with the Town of Andover's Zoning Bylaw. The Inspector of Buildings (Building Commissioner) acts as the Zoning Enforcement Officer and interprets the allowable uses for the various properties based on the Zoning Bylaw and Building Code.

The Building Division is open 7:30 a.m. to 3:30 p.m. Note: The **Inspector of Buildings** holds office hours **Monday through Friday between 8 a.m. and 10 a.m.**, and by appointment. Forms can be found at: <https://andoverma.gov/155/Fees-Forms-Checklists>

## Building Division (continued)

(978) 623-8620

### **What is the Building Code?**

The Building Code is a legal document that regulates the construction and alteration of buildings. A variety of regulations, including light, ventilation, and structural loads are typically included in the Building Code, which protects the public health and welfare by reducing potential construction hazards.

<https://www.mass.gov/massachusetts-state-building-code-780-cmr>

### **Who can request a Building Permit?**

A Building Permit is issued to architects, engineers or licensed contractors. They are licensed for work on commercial property. These professionals are responsible for supervising critical aspects of the construction.

### **When is a Building Permit NOT required?**

A Building Permit is not required for the following:

- One story detached accessory building used as a tool or storage shed, playhouse or similar use if the floor area does not exceed 120 square feet;
- Fences 6 feet high or shorter;
- Retaining walls which, in the opinion of a building official, are not a threat to the public safety, health or welfare;
- Ordinary repairs as defined the Massachusetts Building Code. Ordinary repairs DO NOT include removing any wall, partition or portion thereof, removal or cutting of any beam, column or other load-bearing support, removal or change of any required means of egress, or rearrangements of parts of a structure affecting egress requirements. Nor shall ordinary repairs include additional to, alterations of, or replacement or relocation of any standpipe, water supply, mechanic system, fire protection system, energy conservation system or other work affecting public health or general safety.

### **What is the process to install a sign?**

Applications for all sign permits (flat, projecting, A-frame, etc) are processed through the Building Division. The process for obtaining a permit varies depending on where you are located in the Town. Your first step will be to check with the staff at the Building Division to confirm whether you require a Design Review Board recommendation (see Pages 24 and 27 for more information).

**TIP:** Whether you are opening a new business or renovating current space, after the construction work is complete, a **Certificate of Occupancy** is required from the Building Division to occupy a building or the space.

### **STEPS involved when applying for a Building Permit:**

- 1.) **Consult with the Building Division:** Applications for a Building Permit can be obtained in the Building Division. It is suggested that you consult with the Building Division staff when picking up your application to determine what you will need to submit and the other departments that will need to sign off.
- 2.) **Application Package Submission:** The application package must be accompanied by the necessary required documents in addition to a complete set of working drawings with all required stamps of approval. See the **Building Permit Checklist** in the Appendix.  
The plans are to be drawn to scale showing exactly what is to be built and compliance with the State Building Code. You will need to pay a fee based on the type and total cost of the project.
- 3.) **Plan Review:** The Building Division will review your application for compliance (plumbing, wiring, handicap access, zoning and building). If a project requires Planning Board or ZBA approval, a building permit cannot be issued by the Building Division until approval of the project.
- 4.) **Approval of the Project:** The Building Code requires that action be taken on a Building Permit application within 30 days of the filing date. If necessary, a written list of corrections will be given to the applicant. If approved, a Building Permit will be issued.
- 5.) **Periodic Review and Inspection:** The following inspections and filings are required throughout a building project (some pertain to new construction only):
  - ☐ Excavation inspection before any concrete is placed
  - ☐ Reinforcing inspection if reinforcing required
  - ☐ Certified "As-Built" survey when foundation is in place (or as otherwise directed by the office)
  - ☐ Foundation inspection with waterproofing in place and walls braced on 1<sup>st</sup> deck installed (no backfill to be placed until after the foundation is approved and braced)
  - ☐ Rough electrical, plumbing, and gas inspections signed off
  - ☐ Fireplace (before completing chimney and after)
  - ☐ Rough framing with all fire stopping in place, prior insulation
  - ☐ Insulation inspections, after all framing corrections are done and signed off
  - ☐ Final electrical, plumbing and gas sign off (the Electrical Inspector and Plumbing and Gas Inspector are involved)  
NOTE: There may be additional Electrical or Gas Permits required depending on the work involved.
  - ☐ Smoke detector, oil burner and tank sign off
  - ☐ Final building inspections and sign-offs
  - ☐ Completed job form to be submitted to the Division after all Divisions and Inspectors have signed off
  - ☐ Certificate of Occupancy



### Signs - Overview

No sign shall be installed, erected, enlarged, redesigned or structurally altered without a sign permit issued by the Inspector of Buildings.

#### Types of Signs that are regulated in Andover and require a Sign Building Permit:

**Attached Sign:** A sign that is either attached parallel to the facade of a building, facing in the same direction as the facade, or displayed on the fixed canopy or awning of a building.

**Freestanding Sign:** A sign that is supported by its own structure and is not attached to a building or other structure.

**Double-sided Sign:** A freestanding or projecting sign having two parallel opposite faces separated by a distance of not more than 12 inches. A sign with two opposite faces that are not parallel shall be considered a double-sided sign if the two faces are joined to each other, or to a common support structure, at one end, and the angle of separation between the two faces does not exceed 30°.

**Temporary Sign:** A non-permanent sign that is displayed for a limited duration. Temporary signs may be exterior (displayed on the exterior or outside of a structure) or interior (attached or displayed from the inside of a structure, viewed from the outside through a window or other opening).

**Portable or Removable Sign:** A temporary sign of any shape or configuration that is self-supporting and not permanently fixed or mounted to the ground or to another structure (A-frame, H-sign, T-sign).

**Internally Illuminated Sign:** A sign that is illuminated by a light source internal to the sign. Signs having a light source that forms the exterior surface of the sign or all or part of the design elements, shall be considered to be internally illuminated. Internally illuminated signs ARE **NOT** allowed in the General Business or Mixed Use Districts.

**Projecting Sign:** A sign mounted perpendicular to the building facade.

#### **TIP:**

**The Zoning Bylaw contains a list of Prohibited Signs and Devices as well as regulations pertaining to Real Estate Signs and Directional Signs.**



**Zoning Board of Appeals  
(978) 623-8620**

The **Zoning Board of Appeals (ZBA)** has the authority to grant “special permits” for specific uses and “variances” or waivers to the Zoning Bylaw for certain hardships and conditions, while protecting and preserving the general purpose and intent of the Zoning Bylaw.

The Zoning Division (the Department that works directly with the Zoning Board of Appeals) works within the Building Division. The Inspector of Buildings is the Zoning Enforcement Officer.

***What is “Zoning”?***

Zoning is the way a community regulates the use of land. Zoning regulations allow a community to control where different uses occur and is the predominant developmental control in the United States. Zoning groups land uses according to their compatibility and to separate them to protect the public interest - *health, safety and general well-being* of the community.

***Where do I start?***

Complete the appropriate Form depending on if the 1.) Business is home-based or 2.) Business is based outside the home.

- For a business based inside of your home (either under Customary Home Occupation or for a Professional Home Office defined in Section 10 of the Zoning Bylaw) you will fill out a form called the Home Occupation Affidavit.
- For a business based outside the home you will fill out a form called the Zoning Verification For Business Certification form to determine whether your proposed business is allowed by zoning.

If you are proposing an addition, alteration or new construction you must determine if it meets the requirements outlined in the Andover Zoning Bylaw. If it does not, the Inspector of Buildings will issue you a “Letter of Denial” and you can then apply to the Zoning Board of Appeals for a Variance.

***What if I need a “Variance”?***

A Variance is a waiver of certain requirements, typically dimensional requirements, of a zoning bylaw. A Variance can only be granted by the ZBA if the request satisfies certain conditions: soil, shape or topography of the land, and involves substantial hardship. Relief may be granted if there is no substantial detriment to the public good and without nullifying the intent and purpose of the zoning bylaw. You must apply to the Zoning Board of Appeals using applications available through the Zoning Division.

***What if I need a “Special Permit”?***

In some instances, certain uses are only allowed if a Special Permit is granted. Information with regards to which uses require a Special Permit are outlined in the *Andover Zoning Bylaw*. You must apply to the Zoning Board of Appeals using applications available through the Zoning Division.

*Some* business uses that require a Special Permit in *some* zoning districts by the ZBA may include:

- Outdoor Dining on Private Property (all)
- Philanthropic or charitable institution
- Personal service establishment (IA district only)
- Restaurant, sit-down (when located in the LS, MU, IA and ID districts)
- Restaurant, fast-food (GB, IG)
- Business, professional or administrative office (LS, OP districts)

**NOTE:** All applications are available through the Zoning Division and each application has an associated Fee.

***How long does the process take?***

It takes approximately a *minimum* of 3 months from the time an application is filed with the ZBA to the end of the statutory appeal period. M.G.L. Ch. 40A allows the ZBA 100 days from the date of filing a petition for a variance and 90 days from the close of the public hearing for a special permit to file a written decision with the Town Clerk.

***When does the appeal period start/finish?***

The appeal period starts when the *written* decision is filed with the Town Clerk's office. It does *not* start after the vote on the night of the hearing or at the deliberation meeting after site views.

***If I need relief from other Town Boards, can I file simultaneously with my zoning application?***

Yes, you may file with multiple Boards simultaneously. However, you must obtain the necessary relief from *all* Boards and all conditions must be met in order to complete the project.

***What are the allowed uses in any given zoning district?***

The allowed uses for all zoning districts are found in the **Zoning Bylaw, Appendix A, Table 1, Section 3.1.3 (Table of Use Regulations)**. Generally, any use not specifically listed in the Table is not an allowed use and would require a petition for a variance from the Zoning Board.

***How long is a variance / special permit valid?***

A variance is *valid* for 1 year and a special permit for 2 years from the date the written decision is filed with the Town Clerk. Once exercised, the variance or special permit does not expire unless otherwise specified or another change is proposed. An extension may be granted once, upon application to the ZBA.

**Process to obtain a Zoning Verification for Business Certification**

The applicant completes the appropriate form depending on whether the business is to be home-based or based outside the home.

The Zoning Administrative Secretary date stamps the application and verifies that the application was received

The Inspector of Buildings / Zoning Enforcement Officer reviews the application for compliance with the Zoning Bylaw, Article VIII, Section 4.1.2 (Table of Use Regulations)

Withdrawal

The Administrative Secretary requests that the applicant submit the withdrawal in writing and files the application along with the withdrawal.  
NO FURTHER ACTION IS REQUIRED.

**Approval**

The Administrative Secretary prepares an approval letter for the applicant to submit to the **Town Clerk** for the **Business Certificate**

**Denial**

The Administrative Secretary prepares a Letter of Denial for the applicant.

The applicant may appeal the Inspector's denial to the ZBA. They must then follow the procedure to apply either as a Party Aggrieved and/or seek appropriate zoning relief.

Several Boards and Commissions interact directly with the Building Division:

**Design Review Board, Preservation Commission and the Ballardvale Historic District Commission.**

Each has their own mission and approval process. The Building Division will refer your project to the appropriate board/commission if it is relevant.

### **Design Review Board**

The purpose of the **Design Review Board (DRB)** is to advise the Town of Andover regarding applications for new construction, exterior alterations, outdoor seating on public property in the General Business and Mixed Use District and signage larger than four square feet in General Business and Mixed Use Districts, and to review all new municipal structures, including signage.

#### ***When does a business sign need DRB review?***

If your **sign** is larger than four square feet and is located in the General Business or Mixed Use District then it will need a DRB review. Section 5.2 of the Zoning Bylaw outlines the requirements for all signs.

#### ***What is the process of DRB sign review?***

Once a determination is made that the sign(s) must be reviewed, an application titled Design Review Board application is filled out. Along with the application, you will submit

#### Required submission materials for signs (5 original copies):

- ☐ A sign plan, including dimensions, lettering (font and dimensions), brackets, lighting, etc. Samples of finished materials and colors may be brought to the meeting.
  - ☐ Image/Graphic Depiction of building with sign shown in place on building at final size.
  - ☐ Site Plan required for free standing signs.
  - ☐ Other information such as photographs may be required to demonstrate design attributes being addressed.
- The DRB will review the application at its next monthly meeting. It will provide a recommendation to the Inspector of Buildings.

#### ***How long does it take to obtain a sign permit?***

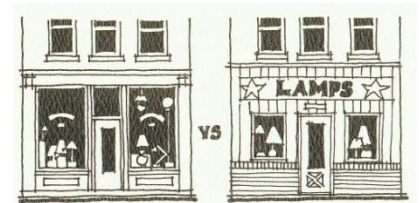
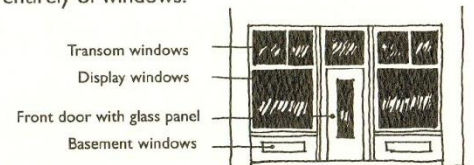
It can take anywhere from 3 weeks to 2 months to obtain a sign permit depending on how complete your application may be and when you submit it. The DRB meets monthly, *typically* the second Wednesday of each month.

#### ***What is the review process for exterior building improvements or new construction?***

All major development projects in the General Business or Mixed Use District require a review(s) by the DRB. Usually this is part of the Special Permit process of the Planning Board or the Zoning Board of Appeals. The process can happen concurrently with the Planning Board or Zoning Board of Appeals process, however the applicant should file with the Planning Board or Zoning Board prior to going to the DRB.

#### **The Storefront Windows**

The traditional storefront was composed almost entirely of windows.



## **Andover Historic Preservation Commission and the Ballardvale Historic District Commission**

### **Andover Preservation Commission**

The **Andover Preservation Commission** advises the Town concerning the preservation of its historic and architectural resources. Through historic preservation ordinances, the Commission has authority over changes to historic properties that would irreparably alter or destroy their character. The Commission meets monthly on the second Tuesday of the month.

#### ◆ **Architectural Review**

The Commission reviews proposed exterior changes to historically significant buildings in Andover. Review is triggered when a building permit is sought for a property that has been researched and listed on the Massachusetts Historical Commission historic building inventory. In a collaborative process, Commissioners discuss the proposed changes with the property owners and make recommendations that encourage preservation of the building's defining features and historic integrity.

#### ◆ **Demolition Delay Ordinance**

Imposition of a demolition delay allows owners of historically significant properties to explore alternatives to demolition. Review is triggered when a demolition permit is sought for a property that has been listed on the Massachusetts Historical Commission building inventory. The Commission determines if the building or building portion to be demolished is historically significant and if it should be preserved. If the building is preferably preserved, a demolition delay of up to 12 months can be imposed, during which time the property owner and Commission members work together to seek alternatives.

#### ◆ **Dimensional Special Permit / Historic Preservation**

The Dimensional Special Permit / Historic Preservation zoning bylaw allows for special subdivision of a property to accommodate relocation and/or rehabilitation of an historically significant building. Since the bylaw was established in 2003, it has ensured the survival of threatened buildings, including the oldest house in Andover.

### **Ballardvale Historic District Commission (BVHDC)**

The **Ballardvale Historic District** was established by the Town of Andover in 1995 with the intent to preserve the significant, distinctive architecture and rich character left to us by the 19th and 20th century residents of Ballardvale. It is administered by a Commission that reviews all proposed exterior changes to buildings located in the district.

#### **Local Historic Districts in Massachusetts**

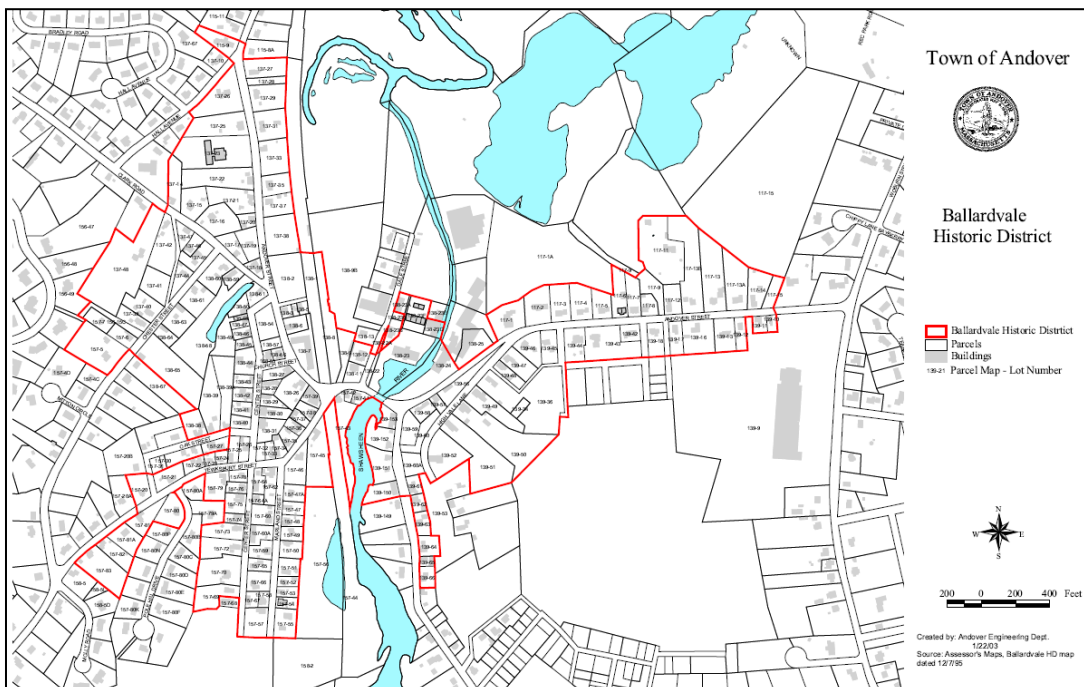
Local Historic Districts have three major purposes as stated in Chapter 40C of the Massachusetts General Laws.

- To preserve and protect the distinctive characteristics of the buildings and places significant to the history of the Commonwealth's cities and towns.
  - To maintain and improve the settings of those buildings and places.
  - To encourage compatibility with existing buildings when new buildings are planned within the district.
- Historic District Commissions do not prevent changes from occurring, nor do they prevent new construction. Their purpose is to ensure that changes and additions are harmonious, and to prevent changes that might detract from the aesthetic and historic values of the district. The commission does not halt growth, but allows for careful consideration of change. A local historic district is not meant to be burdensome to property owners, but is established to administer change and enhance the value of the district.

The Commission, under a specific set of regulations and guidelines, deals with exterior architectural changes. The Commission is required by law to review the appropriateness of most exterior design changes, additions, new construction and demolition.

### The Application/Review Process

- Any owner/resident within the district contemplating work on any part of his/her property that is “visible from a public way” should notify the BVHDC by filing an application for changes to be made. “Work” should be interpreted to include alterations, rebuilding, new construction, restoration, removal, demolition or changes in exterior composition. “Building” refers to a combination of materials forming a shelter for persons, animals or property. The BVHDC guidelines include, but are not limited to, architectural style, general arrangement and setting, building materials, style of windows, doors, lights, signs and other exterior fixtures.
- No building or demolition permit may be granted for exterior work in the district without a certificate from the BVHDC. The BVHDC recommends that applications for a certificate be submitted 60–90 days prior to the commencement of any project. Applications can be obtained online or from the Department of Community Development and Planning on the lower level of Town Hall (36 Bartlet St). Completed applications should include the accompanying documentation noted on the application checklist.
- BVHDC decisions are guided by the Ballardvale Historic District By-Law, Massachusetts General Laws — Chapter 40 C, Review Guidelines of BVHDC, and the Rules, Regulations and Procedures of BVHDC. Copies of all these documents are available for review at the Department of Community Development and Planning at Town Hall, Memorial Hall Library (in the Ballardvale file in reference) and at the Andover Historical Society.
- Completed applications should be returned to the Department of Community Development and Planning a minimum of 14 days prior to the regularly scheduled meeting of the BVHDC (generally the first Wednesday of every month).



The **Fire Prevention Office** is responsible for Code Enforcement, Public Fire Education, Inspections, Planning and Permitting. Both the Massachusetts Fire Code (527 CMR) and the Massachusetts Building Code (780 CMR) have requirements for fire department permitting and inspections. Most building permit applications may require review by the fire department, based on the scope of work and may require permits for fire protection systems, storage, alterations to existing fire protection systems (fire alarm systems and fire sprinkler systems). For a full list of permits and fees, see the town's website <https://andoverma.gov/208/Fire-Prevention> and Massachusetts Department of Fire Services <https://www.mass.gov/orgs/departments-of-fire-services>

It is recommended that you or your design professional consult with the Fire Prevention Officer to determine if permits are necessary. The most common type of permits and certificates are:

- Flammables or Combustible liquids, gasses, or solid storage
- Rubbish containers (over 6 cubic yards – dumpsters)
- Certificate of Compliance inspections (New Construction or Resale of residential property)
- Oil Burner or LB Gas Installations
- Cutting and Welding operations
- Commercial Fire Alarm or Fire Sprinkler Systems installations or alterations
- Smoke Detector Compliance
- Special Suppression systems
- Licensing Inspections (Camp, Clinic, and DPH)
- Liquor License Inspections
- Plan Review
- Fire Reports

*The mission of the Andover Board of Health is to promote and protect the public health including the physical, mental, emotional and social wellness of all the people.*

The Health Division is responsible for ensuring the protection of the public and environmental health. The inspectional staff supervises the inspection and public health education programs in matters dealing with the State Sanitary Code and the State Environmental Code, including complaint investigation, wastewater disposal, food safety, swimming pool operations, recreational camp programs, and many other services.

The Health Division issues numerous operating permits that vary in cost and renewal terms. Among the businesses that we interact with are:

- Body Piercing/Body Art Establishments
- Caterers
- Food Service Establishments
- Retail Food Operations
- Life Sciences
- Mobile Food Vendors
- Recreational Camps for Children
- Tanning Establishments
- Temporary Food Vendors
- Tobacco Retailers
- Swimming Pool Operators (athletic complexes, apartments, hotels, etc.)

The Health Division also is involved in various construction and development operations, including:

- Septic Systems
- Dumpsters
- Sewer Connections
- Commercial Pools
- Food Service Plan Reviews
- Private Water Supplies
- Solid Waste/Noisome Trade Site Assignments

**What is the process for opening a restaurant or other food service establishment?**

Once you have your business plan developed, and a potential location, contact us to arrange an Interdepartmental Review (IDR) to discuss the project. We will gather as many of the regulatory agents as possible to answer questions, and provide some basic guidance going forward. This IDR is designed to be informal, but to help troubleshoot any obstacles you might face. The Health Division will give you a copy of the **Andover Health Department Plan Review Package**. See Flow Chart on Page 31 for more information.



**What is required for me to have food during an Open House, or during a Kick-off Event?**

Many businesses host open houses, or occasionally provide snacks for their patrons. Allowing fresh fruit or cheese platters prepared at licensed restaurants does not require a permit from the Board of Health. If alcohol is to be served, it is assumed that more substantial food options will be served, and either a temporary food permit or a catering registration must be filed with the Board of Health. When a permit is required, a Certified Food Handler must be designated.

**What is required to run a Camp for children during the summer?**

If you use the word “**Camp**” in your title, then state regulations require that you be licensed by the Board of Health as a camp. There are exceptions to the licensing requirements, so you should consult the State Sanitary Code for details. Contact the Health Division at least six months prior to the summer you want to operate your camp.

**What is required to have Outdoor Dining at my restaurant?**

If the area for outdoor dining is on private property, you need to obtain a special permit from the ZBA. See page 23. If the area for outdoor dining is on public property, you will need to obtain approval from the Select Board, see page 10 for more information. Outdoor dining is only allowed April 1<sup>st</sup> through October 31<sup>st</sup>. Please apply at least three months prior to the date you would like to begin outdoor dining.

**Hot Tips!**

- **Do not sign a lease before you do your homework.** Make sure that what you want to do can be done within the space. If you do sign a lease, make it contingent upon getting all necessary permits to open.
- The Restaurant Process requires the Health Division to be involved from the beginning!
- **Even taking over an existing business does not automatically mean that any existing permits and licenses will be given to you.** Most are not transferable, so consult with municipal offices before making a commitment.
- **We want you to succeed!** Municipal staff is here to help.
- **Research regulations** related to food service. Examples:

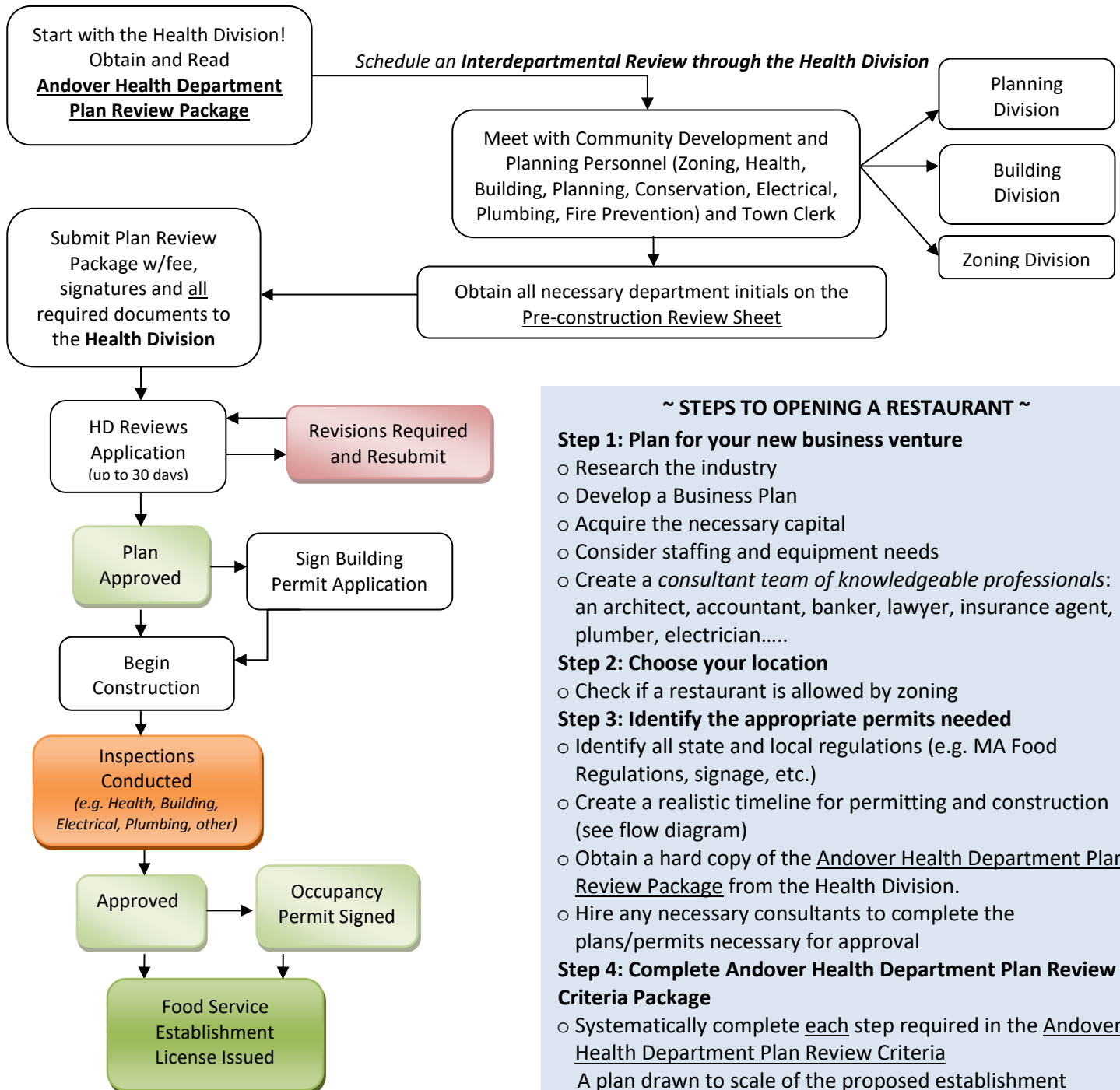
<https://www.mass.gov/food-safety>

<https://www.mass.gov/lists/retail-food>

<https://www.themassrest.org/health-and-food-regulations.html>

<https://www.mahb.org/wp-content/uploads/2015/12/Duties-of-BOH.pdf>

## Health Division – Flow Chart for Food Service - Restaurants



### ~ STEPS TO OPENING A RESTAURANT ~

#### Step 1: Plan for your new business venture

- Research the industry
- Develop a Business Plan
- Acquire the necessary capital
- Consider staffing and equipment needs
- Create a *consultant team of knowledgeable professionals*: an architect, accountant, banker, lawyer, insurance agent, plumber, electrician.....

#### Step 2: Choose your location

- Check if a restaurant is allowed by zoning

#### Step 3: Identify the appropriate permits needed

- Identify all state and local regulations (e.g. MA Food Regulations, signage, etc.)
- Create a realistic timeline for permitting and construction (see flow diagram)
- Obtain a hard copy of the Andover Health Department Plan Review Package from the Health Division.
- Hire any necessary consultants to complete the plans/permits necessary for approval

#### Step 4: Complete Andover Health Department Plan Review Criteria Package

- Systematically complete each step required in the Andover Health Department Plan Review Criteria  
A plan drawn to scale of the proposed establishment layout, equipment and grease trap specifications, and proposed menu are a few items required
- Typically there is *more than one permit needed*, the Interdepartmental Review will help to outline other permits that may be needed. This will depend on location, size, construction, etc.

## **Health Division – Checklist for Food Service – Restaurant**

### **Health Division**

- ☐ Schedule a walkthrough of the establishment with a Health Inspector (call or visit the Health Division) to see what needs to be done to address space needs and any non-compliance of the Food Code for the establishment (even if it is an existing restaurant!).
- ☐ Complete the Andover Health Department Plan Review Package and submit it with the review fee.
- ☐ Hire a professional to help prepare a floor plan and details/specifications (“cut sheets”) for all equipment that will be brought/replaced/installed into the establishment.
- ☐ Prepare a justification letter regarding the External Grease Trap (Andover has specific regulations regarding External Grease Traps).
- ☐ A review of sewer, electrical and plumbing plans will be required.
- ☐ Complete and submit Operating Permit Application with fee (this is based on the number of seats).

### **Zoning Board of Appeals**

- ☐ Verify that food service (restaurant, sit-down or fast-food) is allowed in the zoning district.
- ☐ Verify any decision on the property and apply for necessary permits or variances.
- ☐ Verify any change of use procedures.

### **Planning Division**

- ☐ Based on the zoning district, a reduction in parking requirements may be required.
- ☐ A site plan review may be needed based on the size of the restaurant or previous use of space.

### **Building Division**

- ☐ Apply for building permit and have all necessary signatures on the application from other departments.
- ☐ Submit plans and pay associated fees.
- ☐ Signage permits are required and need Design Review Board review prior to issuance of a Sign Building Permit.
- ☐ Schedule a walk through with the plumbing inspector and contractor. Licensed plumber is required to pull any plumbing permits.
- ☐ Schedule a walk through with the electrical inspector and contractor. Licensed electrician is required to pull any electrical permits.

### **Town Clerk/Selectman**

- ☐ A Liquor License or Common Victualler license may be needed.
- ☐ Obtain a Business Certificate.

The Health Division reviews and grants numerous permits. Below is a list of many of the common permits that a new business will request. Check a box next to each permit that may be needed for your business. Consult with the Health Division for additional information for each type of permit or license.

<u>Food establishments licenses</u>	
<input type="checkbox"/>	Caterer
<input type="checkbox"/>	Food service establishment license (50 seats or less)
<input type="checkbox"/>	Food service establishment license (51-199 seats)
<input type="checkbox"/>	Food service establishment license (200 seats & over)
<input type="checkbox"/>	Manufacturer of frozen dessert and ice cream permit
<input type="checkbox"/>	Mobile food service
<input type="checkbox"/>	Temporary mobile food service license (1-3 days)
<input type="checkbox"/>	Temporary food service
<input type="checkbox"/>	Residential kitchen permit
<input type="checkbox"/>	Retail food sale license
<input type="checkbox"/>	Retail food service plan review
<input type="checkbox"/>	Retail food sale (supermarket license)
<u>Miscellaneous licenses &amp; permits</u>	
<input type="checkbox"/>	Asbestos removal permit
<input type="checkbox"/>	Body art, piercing, tattooing establishment permit
<input type="checkbox"/>	Body art, piercing, tattooing practitioner licenses
<input type="checkbox"/>	Funeral directors license
<input type="checkbox"/>	Recreational camp permit (includes summer camp)
<input type="checkbox"/>	Dumpster permit (yearly)
<input type="checkbox"/>	Dumpster permit (temporary 30 days)
<input type="checkbox"/>	Garbage & transportation removal permit
<input type="checkbox"/>	Sun tanning license
<input type="checkbox"/>	Retail sale of tobacco products license
<u>Construction licenses and permits</u>	
<input type="checkbox"/>	Sanitary sewer application fee
<input type="checkbox"/>	Sanitary sewer use permit
<input type="checkbox"/>	Building sewer installation permit
<input type="checkbox"/>	Building sewer installation permit (repair)
<input type="checkbox"/>	Drain layers license
<input type="checkbox"/>	Disposal works application fee
<input type="checkbox"/>	Disposal works construction permit
<input type="checkbox"/>	Disposal works installation permit
<input type="checkbox"/>	Disposal works repair application
<input type="checkbox"/>	Disposal works installation permit (repair)
<input type="checkbox"/>	Disposal works installers license
<input type="checkbox"/>	Well water system installation permit
<input type="checkbox"/>	Well water system pump installation permit

## ADDITIONAL INFORMATION

### **How do I get a tax identification number?**

For a federal tax identification number, please contact the Internal Revenue Service for Form SS4. This form is available through their website at <https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>

### **Who should I contact about trash collection and/or recycling?**

The Department of Public Works is the municipal contact for both trash collection and recycling (978) 623-8700. Most businesses pay a private operator to perform curbside collection.

### **Who should I contact to have my water service or sewer turned on or connected?**

The Department of Public Works is the municipal contact for both water and sewer service (978) 623-8700.

### **Who should I contact regarding the taxes on my property?**

If you need information regarding the assessment of your property you should contact the Town Assessor's Office (978) 623-8930.

If you need information regarding your tax bill or the payment status of your account, you should contact the Treasurer's Office (978) 623-8940.

### **Where can I find the Andover Zoning Map?**

Online at <https://andoverma.gov/DocumentCenter/View/166/Zoning-Map---36x36>

All Forms and Applications referenced in this document  
and all other information can be found online at:

[www.andoverma.gov](https://www.andoverma.gov)